

# Sumter City-County Planning Commission

March 28, 2012

## SV-12-01, 1005 Riverswamp Rd. (County)

### **I. THE REQUEST**

**Applicant:** Don Willson, Willson Land Surveying

**Status of the Applicant:** Surveyor for Property Owner, Eddie C. Durant, Jr.

**Request:** A variance from Article 8.e.13, Section f, *depth of residential lots shall not be more than 2-1/2 times their width.*

**Location:** 1005 Riverswamp Rd.

**Present Use/Zoning:** Residential / AC

**Tax Map Number:** TM# 070-00-02-008

**Adjacent Property Land Use and Zoning:** North – Undeveloped / AC  
South – Undeveloped / AC  
East – Undeveloped / AC  
West – Undeveloped / AC

### **II. THE 2030 COMPREHENSIVE PLAN:**

The 2030 Comprehensive Plan designates this area as Conservation Planning Area (CP). Residential development is supported at rural low densities of 1 unit per (5) acres or more. Therefore, the applicant's request is compatible with the 2030 Comp Plan.

### **III. BACKGROUND**

The applicant is requesting to subdivide a 5 acre parcel including his house out of 116 acres of property he owns located off Mine Hill Rd. which is located between Foxville Rd. and Hwy 261 South. The purpose of the proposed subdivision is to acquire mortgage financing. The property in question is located on a private drive named Riverswamp Road. This private drive is approximately 2000 feet long reaching from Mine Hill Road with 60 feet of frontage on Mine Hill Road to the proposed 5 acre parcel. The proposed

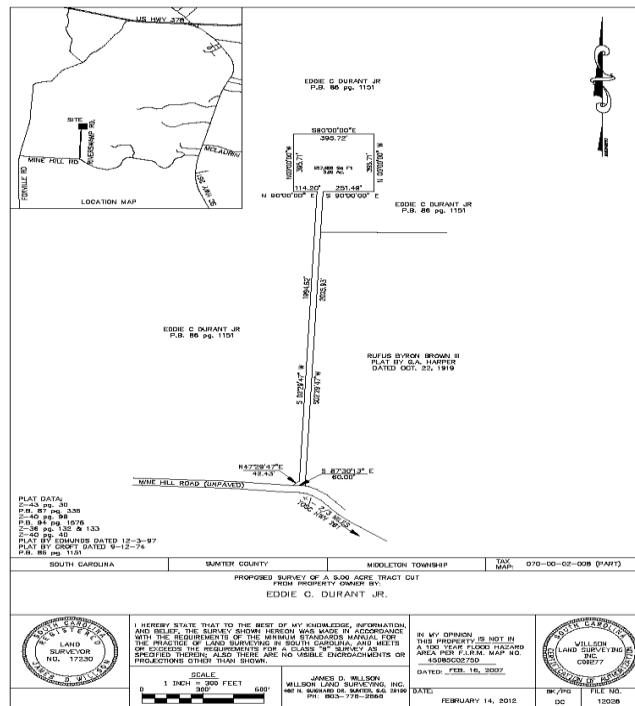
subdivision meets the minimum lot frontage at the public right a way with the 60 feet. The actual parcel surrounding the house meets the width to depth but the private drive with its extensive length causes this proposal not to meet the width to depth standard in the County Zoning Ordinance. The new proposed parcel will require a variance from the residential lot width to depth ratio requirements found in section 8.e.13.f of the Sumter County Zoning & Development Standards Ordinance.

The lot width to depth language in the ordinance is designed to prevent the creation of “flag lots” and other methods of subdividing land that often create access issues. This is a division of the applicant’s land for the purpose of mortgage financing. The property owner does not want to tie up all of his 116 acres into a financial loan agreement. There is no other feasible method of dividing out the acreage around the house because of the setback distance of the house from the public right-of-way. The house sits over 2000 feet off the public right-of- way and has access by a paved private driveway.

8.e.13 states:

*f. Lots – Excessive lot depth in relation to lot width shall be avoided, and as a general rule, the depth of residential lots shall not be less than one nor more than 2-1/2 times their width; provided however, that the Planning Commission may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.*

A sketch of the proposed division of land showing the 5 acre parcel around the existing residence is below.



Photos showing existing paved drive & residence.



Picture above:  
Entrance from Riverswamp Road

Picture below:  
Existing house on parcel



Picture above:  
View from Riverswamp Road

Picture below:  
View from house



- IV.** There is a proposed Ordinance Amendment (OA 11-03) which has been before Planning Commission with a favorable recommendation but is still pending further review and approval of County Council before becoming officially part of our County Zoning Ordinance. This text amendment if approved will address this issue with 5 acre parcels being divided out of larger tracts in the County with width to depth issues. This amendment would exempt 5 acre parcels or greater from this 2.5 to 1 ratio requirement.

**V. ENVIRONMENTAL CONDITIONS**

There is no floodplain on the site.

**VI. STAFF RECOMMENDATION**

Staff recommends approval of this request. Under normal circumstances, staff would not recommend approval of a flag shaped lot because the intention of the Subdivision ordinance is not to create such lots. In this particular case, the owner of the property is being required to survey out a portion of the property with his residence in order to fulfill requirements for mortgage financing requirements. This property is not being cut out in order to be conveyed to any other person just for the sole purpose of mortgage financing. The property owner owns over one hundred acres surrounding this proposed parcel. He has built a private paved driveway which would provide for emergency access which is one of the primary concerns of the County. To meet the ordinance requirement, this property owner would have to include an additional 20 to 25 acres with his house to get plat approval. Because of these mentioned reasons and conditions, staff is recommending approval of this width to depth subdivision variance.

**VII. PLANNING COMMISSION – MARCH 28, 2011**

The Sumter City-County Planning Commission at its meeting on Wednesday, March 28, 2012, voted to approve this request.